

Applicant : CHUI et al. Atty. Dkt. No. : 1187-PCT-US  
USSN : 10/576,984 Art Unit : 3612  
Filed : November 28, 2006 Date of office action : March 24, 2009  
Examiner : Lori Lynn Lyjak Date of response : June 22, 2009  
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REMARKS

Claims 1-20 are currently pending in this application. Applicants have carefully reviewed the Examiner's comments and the documents cited therein and offer the following remarks in response.

Rejections Under 35 U.S.C. 103(a)

Claims 1-3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US Patent 4,850,268) in view of Cornwell (US Patent 5,195,635). Of these rejected claims, only claim 1 is an independent claim. In response, Applicants respectfully traverse this rejection. The claimed invention is not rendered obvious by the two cited references for the following reasons:

Applicants respectfully submit, for reasons set forth in detail below, that a person of ordinary skill in the art would not have been motivated to select the cited references and to combine them to render the claimed invention obvious.

Saito et al. (US Patent 4,850,268)

The main underlying difference between this application and Saito et al. '268 is that the facility disclosed in this application is used for performing autopsies, capable of meeting the requirements of handling biohazard safety level (BSL) 3 and 4 as opposed to Saito et al. '268 use as a clean room or biological clean room.

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An autopsy is a careful medical examination of the body and its organs. This process subjects the autopsy practitioners to a wide variety of infectious agent and viruses. Autopsy practitioners are at significant risk of contracting a personal infection unless the required BSL practice is implemented during autopsy practice. The purpose of this application is directed to a mobile autopsy facility with BSL 3 and 4 requirements.

Claim 1 is directed to a mobile containerized autopsy facility for use in distant contamination zones, comprising at least one enclosure which includes at least one seamless and sealable compartment with BSL 3 and 4 requirements.

Saito et al. '268 fails to disclose pertinent features of claim 1. Saito et al. '268 fails to disclose, suggest, or otherwise indicate that the laboratory room described therein may be used as an autopsy facility. Instead, Saito et al. '268 is directed to a multi-purpose mobile laboratory room used for clean room or biological clean room purposes. Further, the specimens to be worked on are confined to a biological safety cabinet. Therefore, Saito et al. '268 would not able to handle larger specimens, such as a human beings or larger animals. In contrast, in this application, the specimen to be worked on is on an open down draft workstation and thus it is able to handle human beings or larger animal. The purpose of the down draft workstation is to provide down draft exhaust air so that any fumes or airborne organisms released during the autopsy would be drawn from the source in a downward manner away from the operators. Again, this is not found in Saito et al. '268.

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Further, there is provision of double high efficiency particulate air (HEPA) filters systems for both supply and exhaust air in this application. The HEPA filters are of the bag-in / bag-out type coupled with UV lights and a filter fumigation function. Additionally, there is provision of breathable air supply for operators in positive pressure suits. However, nowhere in Saito et al. '268 is there any teaching or suggestion recognizing the need to provide breathable air. Therefore, it cannot effectively cater to the positive air suit required for the protection of personnel.

The construction and arrangement of Saito et al. '268 is such the personnel have to enter directly into the facility. Microorganisms, viruses, and etc could be transferred into the facility and vice versa. This would not occur in this application due to the arrangement and the method of entering the facility. There is no disclosure in Saito et al. '268 on how to deal with the protection of operators within the contaminated areas such as the use of positive pressure air suits and having decontaminated showers and decontaminated compartments to deal with personnel and material leaving the contaminated space after use as disclosed in this application.

In addition, Saito et al. '268 needs to be assembled at the location of deployment before the laboratory room is fully operational. In contrast, in this application, all the supporting systems and equipment are housed in an adjourning container and the facility is readily deployable with minimum connection and set up time.

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In summary, the features disclosed in Saito et al. '268 are not designed for performing autopsies, nor does the disclosure show a facility capable of meeting the requirements of handling BSL 3 and 4. Accordingly, Saito et al. '268 fails to negate the novelty of claim 1.

Cornwell (US Patent 5,195,635)

Cornwell '635 teaches a single system for disposing of and containing, storing, and transporting sharps and infectious medical waste, such as sharps, liquids, semi-solids and solids. The system is comprised of a support holder/stand which supports a master barrier container with a sharps container ultrasonically welded to the inside of the back wall of the master barrier container thereby providing a safer means for disposing of and containing infectious medical wastes, sharps and non-sharps. There is no disclosure in Cornwell '635 that the system meets biohazard safety level 3 and 4 requirements.

In summary, the disclosures of Saito et al. '268 and Cornwell '635 do not lead the skilled person to this application. The primary concern of Saito et al. '268 is to provide a clean room or biological clean room. On the contrary, the primary concern of this application is to provide a facility for performing autopsies, capable of meeting the requirements of BSL 3 and 4. The problems to be solved in Saito et al. '268 are substantially different from this application and further, they are different in terms of construction and arrangement. The features disclosed in Saito et al. '268 are not designed to

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perform autopsies, meeting BSL 3 and 4 requirements. Further, there is no disclosure in Cornwell '635 that its system meets biohazard safety level 3 and 4 requirements. As such, combining Saito et al. '268 and Cornwell '635 would not lead to the invention disclosed in this application.

In conclusion, Saito et al. '268 and Cornwell '635 do not teach or suggest the desirability of using the facility for autopsy purposes. A person of ordinary skill in the art would not have been motivated to select the cited references and combine them to render the claimed invention obvious.

In view of the foregoing, the Applicants respectfully submit that the claims are inventive over the cited documents and requests the confirmation of this view.

#### Claim Objections

Claims 4-17, 19, and 20 are objected to as being dependent upon a rejected base claim. The Examiner has noted that the claims would be allowable if written in independent form including all the limitation of the base claim and any intervening claims. In view of the preceding paragraphs, it is no longer necessary that these claims be written in independent form.

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CONCLUSION

Applicants submit that the Communication has fully addressed the objections and rejections discussed in the March 24, 2009 Office Action. Therefore, the application is now in full compliance with all requirements. Accordingly, Applicants respectfully request the Examiner to place the application in conditions for allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai-Kit Chan

Albert Wai-Kit Chan  
Registration No. 36,479  
Attorney for Applicants  
Law Offices of  
Albert Wai-Kit Chan, PLLC  
World Plaza, Suite 604  
141-07 20<sup>th</sup> Avenue  
Whitestone, New York 11357  
Tel: (718) 799-1000  
Fax: (718) 357-8615  
E-mail: kitchanlaw@aol.com